

Remarks

The Examiner objected to the disclosure of the specification essentially because the related application cross-reference required updating to refer to the corresponding issued patent. That change has been made, and a marked-up version of the replacement paragraph is appended hereto.

Claims 14 and 15 of the application are deemed allowable in independent form, and consequently Claim 14 has been amended herewith to incorporate all of the limitations of previously presented Claim 12, from which it depends directly. Claims 29 and 30 stand allowed.

The Examiner has deemed Claims 12, 13, and 17-27 to have been anticipated by the patent to Duffy, No. 4,680,863. It is respectfully submitted that the rejection is clearly in error.

Firstly, the Examiner contends “that the back member includes at least a third blade-engaging element disposed proximal to the connection point (42a).” That is not correct.

The element 42a is a pin, which is carried by the pivotable finger 42 (column 2, lines 64-67). The upper leg 15 of the Duffy saw is structurally and functionally analogous to the back member recited in Applicants’ claim, and it (i.e., the upper leg 15) carries the three pivotable fingers 40, 41 and 42. The fingers *do not* comprise a back member (as is emphasized by Claim 17, defining the back

member to be substantially rectilinear, and by Claim 18, requiring the back member to include an upwardly opening channel); and the “back member” of the Duffy saw *does not* include any blade-engaging element. Those elements are disposed only on the separate and distinct pivotable fingers 40, 41 and 42.

Secondly, the Examiner incorrectly asserts that “the second and third blade-engaging elements are commonly disposed on an arc circumscribing the first blade engaging element (Figs. 9a and 9e).” He also incorrectly asserts that “the frame [of Duffy] allows conversion, without need for adjustment of the amount of tension,” a feature that results directly from the defined positional relationship of the blade-engaging elements on a common arc.

Assuming *arguendo* that the “second” blade-engaging element is represented by the pin 40a on the finger 40 of the Duffy saw, and that the third blade engaging element is represented by the pin 42a, one need only circumscribe an arc (e.g., on Figure 1 of the patent) with a center point at pin 35 to see that, with the fingers 40, 42 pivoted to their lowered, operative positions, the pins 40a and 42a are not commonly disposed on an arc circumscribing the pin 35. The enclosed rough sketch (Exhibit A) illustrates the point: arc A is taken through pin 40a, using pin 35 as the center, and the “+” symbol at B shows the approximate location of pin 42a with the finger pivoted to a blade-mounting position.

In the context of the present invention, being directed as it is to a two-position quick-change saw, the distances between pin 35 and pin 40a, on the one

hand, and between pin 35 and pin 42a on the other hand, are indeed vastly different. If the Duffy saw were to be capable of enabling conversion from one configuration to the another “without *need* for adjustment” of the amount of tension, in accordance with the present invention (as recited in Claim 13), pins 40a and 42a would have to be spaced from pin 35 by substantially equal distances (i.e., pins 40a and 42a would have to be commonly disposed on an arc circumscribing pin 35). Otherwise, the mounted blade could not be held, with adequate tension for cutting, in both positions without adjustment. (It should be noted that, because of the different bending moments involved, some adjustment would normally be required in Applicants’ saw if the *same* amount of tension -- as contrasted with adequate tension for cutting --were to be achieved in both configurations.)

The Examiner should of course bear in mind that a reference can properly be deemed to render a claim anticipated only if it provides a clear affirmative teaching of each and every element set forth in the claim. It is manifest that Duffy cannot be found to teach or suggest the claim limitations here in question.

While it is believed to be evident therefore that Claim 12, and all claims dependent from it, are novel and patentable over the prior art, specific comment might be made in respect of certain dependent claims.

Claim 19, for example, defines the back member of Applicants’ saw frame to include a downwardly extending lobe. The Examiner apparently regards the finger 42 to provide such a lobe, but that is clearly not justified. By dictionary definition, a lobe constitutes “a roundish projection or division,” the implication

being that it is a fixed portion or element, of another member. Claim 32 has been added however to emphasize that the lobe recited is fixedly disposed on the back member.

It also seems evident that, contrary to the Examiner's assertion, the finger 42 of the Duffy saw does not include "a bearing surface that limits the pivotable movement of the swing arm," as recited in Claim 20. Obviously, the bearing surface called for does not serve to limit movement of the lobe (as might a bearing surface on the finger 42), but rather it is a feature of the lobe which limits movement of a second element (i.e., the swing arm).

Similarly, while it is clear that the assembly of the upper leg with one or more of the pivotable fingers, comprising the Duffy handsaw, does not satisfy the recitation of Claim 12 calling for an elongate, substantially rigid back member, new Claim 31 is nevertheless presented. It further emphasizes this fundamental distinction of the instant invention over the Duffy reference by defining the third blade-engaging element to be disposed in a fixed position on the back member.

The secondary reference, to Keymer, obviously does not cure the fundamental deficiencies of Duffy, and the unapplied prior art made of record does not appear to buttress the Examiner's arguments. Withdrawal of all objections and rejections set forth in the Office Action, and passage of the application to full allowance, are believed to be clearly in order; such actions are earnestly solicited.

Credit card payment form PTO-2038, authorizing a charge in the amount of \$18 in payment of the official fee for the presentation of one claim (dependent) in excess of 20, is enclosed herewith. Applicants no longer qualify for small entity status.

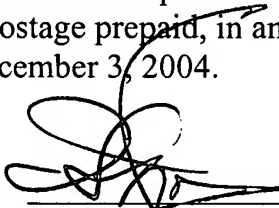
Respectfully submitted,
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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed as set forth on the first page hereof, on December 3, 2004.



MARKED-UP VERSION
OF REPLACEMENT PARAGRAPH

This application is a continuation of U.S. Patent No. 6,606,795 B2,
published August 19, 2003 by the same inventors. The entire specification of the
aforesaid U.S. Patent No. 6,606,795 B2 is hereby incorporated hereinto by
reference thereto.

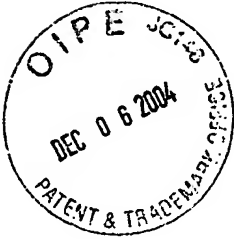


EXHIBIT A

